REMARKS

Claims 1-14 and 17-35 were pending in this matter at the time of the Office Action. The Examiner has rejected claims 1-14, 17-29, and 35. The specification has been amended to include omitted element numbering. Claim 7 has been amended to return it essentially to its as-filed condition and claim 10 has now been deleted. Claim 35 has been amended to change its dependency from claim 10 to claim 7. No other changes to the claims, specification, or drawings are presented herein.

Specification

The Examiner has objected to the disclosure due to a minor informality. The informality has now been corrected in accordance with the Examiner's suggestion.

Drawings

The Examiner has objected to several reference signs shown in the drawings that are not discussed in the description. In response, the description has been amended herein to include the omitted element numbering. No new matter has been added in making these changes which are clearly supported by the drawings and the specification.

Election/Restrictions

The Applicant acknowledges the Examiners restriction to Groups I and II, and the Examiner's withdrawal of claims 30-34 over the Applicant's traversal.

Claim Rejections -- 35 USC §102

The Examiner has rejected claims 1-14, 17-29, and 35 under 35 USC §102(e) as being anticipated by Dividock et al (US Patent Number 6,078,255). The Applicant traverses the Examiner's rejections for at least the following reasons.

Anticipation can only be established by a single prior art reference which discloses each and every element of the claimed invention. *Structural Rubber Products Co., v. Park Rubber Co., 749 F.2d 7070; 223 U.S.P.Q. 1264 (C.A.F.C. 1984).* The test for anticipation requires that all of the claimed elements must be found in exactly the same situation and united in the same way to perform

the same function in a single unit of the prior art. *Studiengesellschaft Kohle, m.b.H. v. Dart Industries., Inc., 762 F.2d 724, 726, 220 U.S.P.Q. 841 at 842 (C.A.F.C. 1984).* Anticipation cannot be predicated on teachings in a reference that are vague or based on conjecture. *Datascope Corp. v. SMEC Inc., 594 F. Supp. 1036; 224 U.S.P.Q. 694, 698 (D.N.J. 1984).*

Claim 1

Claim 1 claims a computerized method that requires a step of "detecting the information obtained from said guard patrol". The Examiner points to Dividock '255, column 6, lines 4-33, as disclosing this step. The cited portion of Dividock '255 generally states that the invention is related to "collect and communicate ...information in an automated manner". This section does not provide a computerized method of detecting the obtained information as required by claim 1. Detecting that the information is available is part of the monitoring aspect of the computerized method of monitoring and evaluating guard patrols being claimed in claim 1.

Claim 1 further requires that the step of "reading said information upon detection". The Examiner points to Dividock '255, column 6, lines 34-43, as disclosing this step. The cited portion of Dividock '255 states that the "portable data collector 15 includes a touch probe 33 that is adapted to read the encoded information from a position marker button 5." This section does not describe a computerized method including the step of reading said information upon detection. The computer system of Dividock '255 does not detect when the obtained information is available so therefore can not read information upon detection.

Claim 4

Claim 4 claims a computerized method requiring that "said detecting step comprises having a downloader sense that a reader has been inserted within said downloader, said downloader signaling a general purpose computer that said downloader is ready to transfer information from a reader." The Examiner points to Dividock '255, at downloading cradle 20 of Fig. 2 and column 6, lines 44-63, as disclosing this step. The cited portions of Dividock '255 states that "downloading cradle 20 comprises means for accessing the memory of portable data collector 15 and transferring the contents of that memory, via a phone line connection 35, to

central computer 25." This section does not describe a computerized method having a downloader senses that a reader has been inserted within the downloader, nor that the downloader signals a computer that the downloader is ready to transfer information from a reader.

Claim 7

Claim 7, as amended, claims a data processing system and requires "a detection system for detecting when gathered information is ready for downloading into said central computing device." This element was part of claim 10 as amended in the Preliminary Amendment. The Examiner points to Dividock '255, at receptacle 38 of Fig. 2 and column 6, line 44 to column 7, line 5, as disclosing this step. At column 6, line 63 to Column 7, line 6, Dividock '255 states:

> When touch probe 33 is replaced in downloading cradle 20, it is connected to, e.g., modem 36 and telephone line (or other communications pathway) connection 35. In this way, portable data collector 15 is capable of transferring stored data to modem 36, through telephone line (or other communications pathway) 35, to central computer 25. It would be possible to arrange to call out from the downloading cradle through the modem, the transfer being initiated by placement of the portable data collector in the cradle. Preferably, however, the unit goes into an auto-answer mode at that stage and awaits polling from the central computer.

Nothing in this section discloses a detection system for detecting when gathered information is ready for downloading into said central computing device as required in claim 1. Dividock '255 is disclosing and teaching a unit that goes into an auto-answer mode and awaits polling from the central computer. This is further supported by column 7, line 49-52 stating "The employee then returns touch probe 33 to downloading cradle 20, where it sits in receptacle 38 awaiting the next periodic floor safety inspection tour or polling from the central computer." And further support in column 8, lines 4-6 stating "Periodically, such as each week, central computer 25 accesses each downloading cradle 20 under control of internal software." This is not insert detection -- the device is waiting for downloading to be initiated.

At best, in the section cited from the Examiner, Dividock '255 discloses a possibility initiating a transfer by placement of the portable data collector in the cradle. No detail is provided as to how this is proposed to be accomplished, and Dividock teaches away from this possibility. No data detection system is being initiated. Anticipation cannot be predicated on teachings in a reference that are vague or based on conjecture. *Datascope Corp. v. SMEC Inc., 594 F. Supp. 1036; 224 U.S.P.Q. 694, 698 (D.N.J. 1984)*.

In contrast, the present application teaches a computer system which detects when the data is ready for downloading and states:

"Fig. 9 illustrates the downloading process. An attendant software program, which will be described below, controls the downloading process. To begin downloading, the attendant computer program is run on the computer 168. The guard tour application does not have to be running at the time a download occurs. This is an advantage over other tour systems because it provides enhanced security. The progress of the downloading process depends on whether the downloader (16, 18 or 20) is local or remote 170. If the downloader is local, the officer or guard places the reader in the downloader 172. If the insert detection feature of attendant computer program is enabled 174 the patrol data are downloaded at 178. The insert detection feature allows a user to insert touch button reader 24 into downloader 16 to initiate the downloading process."

Accordingly, in the present invention, detection is accomplished by software run on the computer which detects when the data is ready for downloading.

Claim 14

Claim 14 requires that "said central computing device detects unassigned memory buttons causing said data processing system to request that said memory button be assigned to patrol information." The Examiner points to Dividock '255, at Figs. 4-6 and column 7, lines 4-43, as

disclosing this element. Nowhere in Dividock does the issue arise of unassigned memory buttons causing the data processing system to request assignment to patrol information.

Claim 17

Claim 17 requires that "the computer usable medium having computer readable program code means embodied in said medium for detecting when said gathered information is ready to be downloaded into said data processing system." The Examiner points to Dividock '255, at receptacle 38 of Fig. 2 and column 6, line 44 to column 7, line 5, as disclosing this element. No computer readable program code means are disclosed in Dividock '255 related to detection of information ready for downloading as has been established above.

Claim 20

Claim 20 requires "means for displaying said at least one patrol detail record on a display in a hierarchical organization comprised of one or more nodes". The Examiner points to Dividock '255, at Figs. 4-6 as disclosing this element. Figure 4 is an identity card showing encoded buttons, Fig. 5 is a hazard identity card showing encoded buttons, and Fig. 6 is a plan view of a business premises. This is not a patrol detail record in a hierarchical organization comprised of one or more nodes as shown in the present application at Fig. 5.

Claim 21

Claim 21 requires "computer readable program code means that are modular thereby allowing said computer readable program code means to be individually replaced without modification to other existing computer readable program code means that make up said computer program product." The Examiner points to Dividock '255, column 6, line 63 to column 7, line 6, as disclosing this element. Nowhere in the cited section is a modular computer readable program code discussed.

Claims 24-25

Claims 24, 25 require printing of reports having selected information (24), and grouping selected information into batches (25). The Examiner points to Dividock '255, column 4, lines 54-

61 and column 8, line 44 to column 9, line 8, as disclosing this element. Dividock '255 merely discloses three types of predetermined reports as shown in Fig. 8. No selected information options are disclosed.

Claim 27

Claim 27 requires a "computer readable program code means for downloading said gathered information into said data processing system independently of said computer program product." It is not apparent from the Examiner rejection how Dividock '255 discloses this feature as this limitation is not disclosed or discussed in the cited reference. Referring to FIG. 13 and the supporting specification, the present application uses a computer readable program code means (Attendant 266) for independently downloading information (from readers and downloaders 268) independently from the data processing system (Guard1 Plus Application 290).

Claim 28

Claim 28 requires a "readable program code means for displaying on a display connected to said data processing system said information obtained from one or more checkpoints during a guard patrol of one or more sites." The Examiner points to Dividock '255, column 8, lines 1-40. The cited section does not relate to readable program code means for displaying information on a display. Dividock '255 only discloses printing out information and not displaying it.

Claim 29

Claim 29 is an independent claim which requires "A computer program product for use with a data processing system for independently downloading information obtained from one or more checkpoints during a guard patrol of one or more sites." It is not apparent from the Examiner rejection how Dividock '255 discloses this feature as this limitation is not disclosed or discussed in the cited reference. Referring to FIG. 13 and the supporting specification, the present application uses a computer program product (Attendant 266) with a data processing system (Guard1 Plus Application 290). The computer program product (Attendant 266) independently downloads information (from readers and downloaders 268).
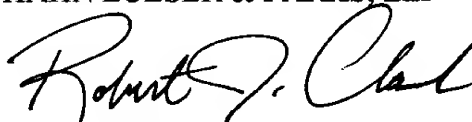
Claim 35

Claim 35, as amended, claims a data processing system and requires that "the detection system comprises a downloader having a reader port that detects placement of a reader within said reader port, wherein said downloader identifies the specific type of reader detected and said downloader implements the proper communication protocol for said specific type of reader to download said gathered information to said central computing device." The Examiner points to Dividock '255, at receptacle 38 of Fig. 2 and column 6, line 44 to column 7, line 5, as disclosing this step. Dividock '255 does not identify the specific type of reader detected nor does Dividock '255 disclose that the downloader implements the proper communication protocol for said specific type of reader to download. The present invention utilizes these requirements to enable a plurality of different readers to be supported by the data processing system.

Claims 2-3, 5-6, 8-9, 11-13, 18-19, 22-23, 26

These claims are dependent claims that are dependent upon independent or dependent claims that are now believed to be in an allowable condition and therefore claims 2-3, 5-6, 8-9, 11-13, 18-19, 22-23, 26 are also allowable.

Based on the foregoing remarks, prompt consideration of this amendment is requested. If the Examiner should have any question regarding this application or the amendment, a call to Applicant's attorney would be appreciated. A Clean Copy of the Amendments made in this response is attached.

Respectfully submitted,
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